

AUG 29 2024

Instrument Created By: The Estate of Shawn Andrea Sims
651 S Mount Juliet Rd 597
Mount Juliet, TN 37122

U.S. District Court
Middle District of TN

IN THE DISTRICT COURT
OF MIDDLE TENNESSEE

Shawn Andrea Sims,
Petitioner

V.

Debbie Moss,
Wilson County Office of the Circuit Court Clerk,
Respondent

)
) Docket No. _____
)
) PETITION FOR
) DECLARATORY JUDGMENT
)
) JUDGE _____
)
)

COMES NOW, the Petitioner, Shawn Andrea Sims, and respectfully petitions this Honorable Court for a declaratory judgment pursuant to Rule 57 of the Tennessee Rules of Civil Procedure.

In support of this petition, Petitioner states as follows:

I. Parties:

Petitioner

Shawn Andrea Sims is a Tennessean, whose mailing address is at 651 S Mount Juliet Rd 597, Mount Juliet, TN 37122.

Respondent

Debbie Moss, the Clerk of the Wilson County Circuit Court, who will be served at 228 East Main St. Room Lebanon, Tennessee 37087.

Clara Byrd, Judge of the Wilson County Circuit Court, who will be served at 228 East Main St. Lebanon, TN 37087.

County of Wilson, an incorporated municipality organized under the laws of the State of Tennessee whom will be served by way of the Secretary of the State of Tennessee at 312 Rosa L Parks Ave, Nashville, TN 37243

State of Tennessee, an incorporated municipality organized under the laws of the United States who will be served by way of the Office of the Attorney General of Tennessee at 301 6th Ave N. Nashville, Tennessee 37243.

II. Jurisdiction and Venue:

This Court has jurisdiction over this matter pursuant to 28 U.S.C. §2201, which allows for declaratory judgments in cases of actual controversy within its jurisdiction.

Venue is proper in this Court as the events giving rise to this petition occurred in The District of Middle Tennessee.

III. Background:

- On May 9, 2024 a Petition was mailed to Debbie Moss, the Wilson County Clerk of the Circuit Court, via Certified Mail No. 7022 2410 0000 7424 2632 and was received by the Clerk on May 13, 2024.
- On May 17, 2024, a Petition was mailed to the Wilson County General Sessions Court, via Certified Mail No. 7022 2410 0000 7424 2649 and was received by the court on May 20, 2024. (Exhibit A Certified Mail)
- This Petition was given to the Office of the Clerk of the Wilson County Circuit Court by the General Sessions Court for unknown reasons.
- Both Petitions contained a Cover Sheet with Article 1 Section 17 of the Tennessee Constitution written on it. (Exhibit B)
- On May 21, 2024, the Petitioner called the Office of the Circuit Court Clerk to obtain a Docket Number. An Employee told the Petitioner that they were not going to comply with the Tennessee Constitution and that a docket number will not be provided unless the Petitioner pays a fee to file. (Exhibit C)
- On or around May 24, 2024, an Affidavit of Indigency was sent to the Court, via Certified Mail No. 7022 2410 0000 7424 2663, in an attempt to get the Court to file the petitions and provide docket numbers.
- On May 31, 2024, an employee of the Clerk's Office left a voicemail informing the Petitioner that his Affidavit had been denied by Clara Byrd, Judge of the Circuit Court. (Exhibit D)
- On June 25, 2024 a Application was sent to the Attorney General's Office notifying them of the infractions and requesting action, via Certified Mail No. 7022 2410 0000 7424 2823.

V. Constitutional Issue:

Petitioner contends that charging a fee to get access to a Court is the same as selling justice. The Courts in Tennessee are expected to be open to all without sale, denial, or delay. As Public Officials and Municipalities, the Respondent(s) are Oath bound to know and to support both the Tennessee and United States Constitution.

V. Legal Basis for Declaratory Judgment:

- Article I, Section 17 of the Tennessee Constitution. "That all courts shall be open; and every man, for an injury done to him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay. Suits may be brought against the state in such manner and in such courts as the Legislature may by law direct."
- 1st Amendment. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
- Article VII of the United State Constitution. "This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under

the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.”

- Marbury v. Madison, 5 US 137. “The Constitution of these United States is the supreme law of the land. Any law that is repugnant to the Constitution is null and void of law.”
- Murdock v. Pennsylvania, 319 US 105. “No state shall convert a liberty into a privilege, license it, and attach a fee to it.”
- Bill Johnson’s Rests. v. NLRB, 461 U.S. 731, 742–43. the Supreme Court has recognized that the Right to Petition clause protects a right of access to the courts, beyond just a right to petition the legislature.
- E. R.R. President’s Conf. v. Noerr Motor Freight, 365 U.S. 127. The clause also goes beyond a narrow idea of grievances and comprehends demands for an exercise by the government of its powers in furtherance of the interest and prosperity of the petitioners and of their views on politically contentious matters.

VI. Relief Sought:

- Petitioner seeks a declaratory judgment from this Court on whether the denial of the petition for failure to pay fees violates the 1st Amendment.
- Petitioner further seeks any other relief that this Court deems just and proper.

I, Shawn Andrea Sims, do take Oath that the above facts are true and correct to the best of my first hand knowledge and belief.

DATED this 19 day of August, 2024.

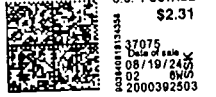
Respectfully submitted,

ShawnAndrea Sims

Shawn Sims
651, S Mount Juliet Rd 597
Mount Juliet, TN 37122



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U.S. POSTAGE
\$2.31

RECEIVED

AUG 29 2024

U.S. District Court
Middle District of TN

Clerk of the District Court
719 Church St. Ste 1300
Nashville, TN 37203

